

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No: 3:17-CV-00652

SNYDER’S-LANCE, INC. and PRINCETON
VANGUARD, LLC,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA, INC.,

Defendant.

DEFENDANT’S REPLY IN SUPPORT OF
MOTION FOR STAY OF BRIEFING
SCHEDULE REGARDING MOTIONS FOR
SUMMARY JUDGMENT

On February 19, 2019, Defendant Frito-Lay North America, Inc. filed its Motion for Stay of Briefing Schedule Regarding Motions for Summary Judgment (“Motion for Stay”) (Dkt. 55), requesting that the Court suspend the current briefing schedule until after it rules on Frito-Lay’s Motion to Compel Production of Documents (“Motion to Compel”) and that a new briefing schedule be set following such ruling. The request in Frito-Lay’s Motion for Stay is narrowly tailored to allow Frito-Lay time to complete its briefing following the Court’s decision on the Motion to Compel and the production of any documents that may need to be produced.

On February 20, 2019, Plaintiffs filed a Memorandum in Opposition to the Motion for Stay. (Dkt. 56). However, the request in Plaintiffs’ Opposition, which was not previously communicated to Frito-Lay, is not all that different from the relief sought by Frito-Lay. Like Frito-Lay, Plaintiffs propose that the summary judgment schedule be extended to allow for the resolution of the pending Motion to Compel. Plaintiffs further request that if Frito-Lay’s Motion to Compel is denied, Frito-Lay’s summary judgment reply and opposition briefs should be due within 10 days of that decision. If the Court rules otherwise, Plaintiffs propose that the parties should present a revised briefing schedule to the Court within 10 days of that decision.

Frito-Lay is not opposed to the extension proposed by Plaintiffs. It allows time for the Court to rule on the Motion to Compel, and if the Court's decision on the Motion to Compel requires additional time for the production and review of documents (or any other relief that the Court might order), the parties should be able to work together on an appropriate briefing schedule to present for the Court's consideration.

CONCLUSION

Frito-Lay respectfully requests that the current summary judgment briefing schedule be extended until after the Court has ruled on Frito-Lay's Motion to Compel Production of Documents, and Plaintiffs have indicated in their Memorandum in Opposition that they do not oppose such an extension.

Regarding the summary judgment schedule following the Court's decision on the Motion to Compel, Frito-Lay requests only that it be allowed enough time to complete its briefs in light of that decision. As such, Frito-Lay would not be opposed to a post-decision briefing schedule along the lines proposed by Plaintiffs.

This the 21st day of February, 2019.

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